

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
-v- : 17-CR-548 (JMF)
:
JOSHUA SHULTE, :
:
Defendant. :
:
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JESSE M. FURMAN, United States District Judge:

Earlier today, the Court received the attached letter from Defendant, dated December 13, 2022, and postmarked January 5, 2023, requesting to hold “a *Faretta* hearing to proceed pro se” and demanding an “immediate” trial. The parties shall appear for a conference to address these issues on **January 24, 2023, at 10:30 a.m. in Courtroom 1105** of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY 10007. Additionally, no later than January 17, 2023, the Government shall provide a status update with respect to its investigation, if any, regarding the Defendant’s trial laptop.

SO ORDERED.

Dated: January 10, 2023
New York, New York



JESSE M. FURMAN
United States District Judge

BY HAND

Jesse M. Furman, USDS
Southern District NY
40 Foley Square
NY, NY 10007

Dec. 13, 2022

RE: U.S. v. Schulte, S3 17 (CR 548)(JMF)

Dear Judge Furman:

I write to request a Faretta hearing to proceed pro se and to schedule a speedy trial immediately. ~~Defendant does not consent to any plea agreement.~~ I have a constitutional right to both represent myself and for a speedy trial—and I demand both.

The government's allegations about the laptop are absurd and patently false. I have had zero issues in the SDNY for five years, and never removed a single drive; based on the intense security it would have been impossible to do so. The government surely knows this by now after over 2 months of review, but they have no incentive to report the truth—why should they? They make false allegations against me that you take as the Word of God and I'm presumed guilty from the beginning. And since the government has not, and certainly will not indict me since it knows I'm not guilty, they have no Brady obligation and can keep pretending that they are still investigating ad infinitum. Which just leaves me presumed guilty with no ability to prove my innocence—as required by the American Justice system.

As a result of being presumed guilty, I have no ability to review any of my discovery. As I noted to the court last court appearance and in countless letters, most of my discovery consists of forensic images—which require special software that the

MDC does not provide—hence, the necessity for a laptop or some alternative. I have been unable to review my discovery since the government confiscated the laptop in July; and despite requests that the government reproduce all 20 terabytes of discovery and provide a means for my review, the government still refuses to do so. Furthermore, the most important piece of my discovery—my primary server—remains in the SCIF because it contains Snartan documents FROM THE PUBLIC INTERNET. Yet I cannot review that server—the sine qua non of the defense—because I am presumed guilty of the impossible. Fed. R. Crim. P. 16(a)(1)(E)(iii) requires the govt to provide to the defense all items obtained from the defendant. Accordingly, since ~~that I am presumed~~ I am presumed guilty and denied my legitimate Rule 16 discovery and other necessities for self-representation, I move for an immediate trial, as in, tomorrow. It is very clear that this Court has already found me guilty and will do merely whatever the prosecution requests—I will find no justice in the District Court whatsoever. So, we shall let the Court of Appeals decide whether it's lawful to presume that a defendant is guilty merely because the prosecutor says so, and deny him his discovery and prevent him from meaningful self-representation as a result. Who knows? Maybe that is perfectly "legal" and fine by them.

In summary: I demand a Faretta hearing to represent myself and for an immediate trial as both are guaranteed by the Constitution. I am also missing (1) all my Rule 16 discovery, including the ability to ~~review my primary server which is the most critical to the defense;~~ (2) review my primary server which is the most critical to the defense; and (3) I have no way to review my discovery, prepare my exhibits, arguments, cross and direct, or any other trial materials without access to a laptop; and (4) I never removed any data from the SCIF nor did I store any child pornography on my previous laptop.

"If, though unjust, I acquire the reputation of justice, a heavenly life is promised to me. Since then, as philosophers prove, appearance tyrannizes over truth and is lord of happiness...." Republic

12/13/22

Josh Schultheis
J.S.

John Schulte #7447054
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ATTN: U.S. V. Schulte, 17 CR 548 (JMF)
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